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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

No. CR-23-0040-PHX-SMB (JZB)

**GOVERNMENT'S OPPOSITION TO
DEFENDANT DIANA MARIE
MOORE'S FIRST MOTION FOR
RELIEF FROM CONDITIONS OF
RELEASE TO TRAVEL**

On January 26, 2023, defendant Diana Moore (“defendant”) filed a motion requesting permission to take a six-day cruise next month, including an international destination (the “Motion”). (Doc. 14.) The government opposes the Motion on the ground that defendant is a flight risk with respect to international travel¹ and that the source of funds paying for the trip are not identified with sufficient particularity. The government therefore respectfully requests that the Court deny the Motion or, in the alternative, deny the Motion without prejudice subject to defendant providing additional information to the government.

²⁷ ¹ The government did not seek detention in this matter and does not view defendant
²⁸ to be a flight risk with respect to domestic travel. For this reason, the government does not
object to defendant moving to Atlanta, Georgia. The government believes there is a
significantly higher risk, however, with any international travel.

1 Defendant was indicted for engaging in a fraud scheme targeting the Arizona Health
2 Care Cost Containment System (“AHCCCS”). As a result of this fraud scheme, defendant
3 was paid over \$22 million by AHCCCS in a period of less than two years. (Indictment
4 ¶ 14.) Pertinent to the Motion, during the course of its investigation, the government found
5 evidence that defendant spent hundreds of thousands of dollars of fraud proceeds on travel,
6 including international travel.

7 A preliminary review of the U.S. Sentencing Guidelines reveals that defendant faces
8 a significant custodial sentence. Based upon the alleged loss amount at issue, the
9 sophistication of the fraud scheme, the fact that the scheme targeted a government health
10 care program, and defendant’s role in the offense, among other factors, the government
11 believes that defendant’s ultimate total offense level (prior to acceptance) will be greater
12 than 34.

13 The government has concern that defendant could flee given the significant
14 punishment she faces in this matter. Defendant intends to travel with her husband and the
15 government believes that defendant’s youngest child is 17 years old. Defendant could
16 travel from her international destination and the government would have difficulty tracking
17 defendant’s subsequent movement or ultimate destination.

18 Moreover, in light of the significant amount of money defendant received in the
19 fraud scheme and her prior use of funds for travel, the government has concern that the
20 source of the funds used for the trip are fraud proceeds. If the Court does not deny the
21 motion based upon risk of flight, the government requests that the Court order defendant
22 to provide the government with analysis tracing the funds used to purchase the trip to a
23 legitimate source.

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For these reasons, the government respectfully requests that the Court deny the Motion or, in the alternative, deny the Motion without prejudice subject to defendant providing additional financial information to the government.

Respectfully submitted this 26th day of January, 2023.

GARY M. RESTAINO
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s/Aron Ketchel
ARON KETCHEL
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of January, 2023, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing a copy to the following CM/ECF registrant:

Jason Silver

s/Gaynell Smith
U.S. Attorney's Office